

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

|   |   |                               |
|---|---|-------------------------------|
| <b>MICHAEL FAULKNER, and</b>                    | ) |                               |
| <b>ERNESTINE FAULKNER,</b>                      | ) |                               |
|   | ) |                               |
| <b>Plaintiffs,</b>                              | ) |                               |
|   | ) |                               |
| <b>v.</b>                                       | ) | <b>Case No. 21-CV-147-SPS</b> |
|   | ) |                               |
| <b>CITATION OIL AND GAS CORP., a</b>            | ) |                               |
| <b>foreign for-profit business corporation,</b> | ) |                               |
|   | ) |                               |
| <b>Defendant.</b>                               | ) |                               |

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**ANSWER**

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**COMES NOW** the Defendant, Citation Oil & Gas Corp., a Delaware Corporation (“Citation”), and for its Answer to Plaintiffs’ Verified Petition states as follows:

**JURISDICTION AND VENUE**

1. Citation is without sufficient information to admit the material allegations of Paragraph 1 of Plaintiffs’ Verified Petition, and therefore demands proof thereof.
2. Citation admits it is a corporation organized under the laws of the State of Delaware authorized to conduct business in the State of Oklahoma.
3. Citation admits that the claims alleged by Plaintiffs in this action occurred in Carter County, Oklahoma.
4. Citation has removed this case and therefore contests venue in Carter County District Court.

**FACTUAL BACKGROUND**

Citation adopts and incorporates Paragraphs 1-4 as if fully set forth herein.

5. Citation is without sufficient information to admit the material allegations of Paragraph 5 of Plaintiffs' Verified Petition, and therefore demands proof thereof.

6. Citation is without sufficient information to admit the material allegations of Paragraph 6 of Plaintiffs' Verified Petition, and therefore demands proof thereof.

7. Citation admits that it is the operator of the Healdton IV Unit; and that the Healdton IV Unit has multiple wells. Citation is without sufficient information to admit that the Plaintiffs' Lease is on substantially the same property as the Healdton IV Unit, and demands proof thereof. Citation denies any remaining material allegations of Paragraph 7 of Plaintiffs' Verified Petition; and demands proof thereof.

8. Citation is without sufficient information to admit the material allegations of Paragraph 8 of Plaintiffs' Verified Petition, regarding when Plaintiffs first noticed cattle symptoms. Citation denies the remaining material allegations of Paragraph 8 of Plaintiffs' Verified Petition; and demands proof thereof.

9. Citation denies the material allegations asserted in Paragraph 9 of Plaintiff's Verified Petition and demands proof thereof.

10. Citation denies the material allegations asserted in Paragraph 10 of Plaintiff's Verified Petition and demands proof thereof.

11. Citation denies the material allegations asserted in Paragraph 11 of Plaintiff's Verified Petition and demands proof thereof.

12. Citation denies the material allegations asserted in Paragraph 12 of Plaintiff's Verified Petition and demands proof thereof.

13. Citation denies that it caused the alleged harm. Citation denies any remaining material allegations asserted in Paragraph 13 of Plaintiff's Verified Petition and

demands proof thereof. Citation denies Plaintiff's claim for relief set forth in Paragraph 13 of Plaintiffs' Verified Petition; and demands proof thereof.

14. Citation denies the material allegations asserted in Paragraph 14 of Plaintiff's Verified Petition and demands proof thereof. Citation denies Plaintiff's claim for relief set forth in Paragraph 14 of Plaintiffs' Verified Petition; and demands proof thereof.

#### **FIRST CLAIM FOR RELIEF – NUISANCE**

15. Citation adopts and incorporates Paragraphs 1-14 as if fully set forth herein.

16. Citation denies the material allegations asserted in Paragraph 16 of Plaintiff's Verified Petition and demands proof thereof.

17. Citation denies Plaintiff's claim for relief set forth in Paragraph 17 of Plaintiffs' Verified Petition; and demands proof thereof.

18. Citation denies Plaintiff's claim for relief set forth in Paragraph 18 of Plaintiffs' Verified Petition; and demands proof thereof.

19. Citation denies Plaintiff's claim for relief set forth in Paragraph 19 of Plaintiffs' Verified Petition; and demands proof thereof.

20. Citation denies Plaintiff's claim for relief set forth in Paragraph 20 of Plaintiffs' Verified Petition; and demands proof thereof.

#### **SECOND CLAIM FOR RELIEF – TRESPASS**

21. Citation adopts and incorporates Paragraphs 1-20 as if fully set forth herein.

22. Citation denies the material allegations asserted in Paragraph 22 Plaintiff's Verified Petition and demands proof thereof.

23. Citation denies Plaintiff's claim for relief set forth in Paragraph 23 of Plaintiffs' Verified Petition; and demands proof thereof.

24. Citation denies Plaintiff's claim for relief set forth in Paragraph 24 of Plaintiffs' Verified Petition; and demands proof thereof.

25. Citation denies Plaintiff's claim for relief set forth in Paragraph 25 of Plaintiffs' Verified Petition; and demands proof thereof.

### **THIRD CLAIM FOR RELIEF – TRESPASS TO CHATTELS**

26. Citation adopts and incorporates Paragraphs 1-25 as if fully set forth herein.

27. Citation denies the material allegations asserted in Paragraph 27 of Plaintiff's Verified Petition and demands proof thereof.

28. Citation denies Plaintiff's claim for relief set forth in Paragraph 28 of Plaintiffs' Verified Petition; and demands proof thereof.

29. Citation denies Plaintiff's claim for relief set forth in Paragraph 29 of Plaintiffs' Verified Petition; and demands proof thereof.

30. Citation denies Plaintiff's claim for relief set forth in Paragraph 30 of Plaintiffs' Verified Petition; and demands proof thereof.

### **FOURTH CLAIM FOR RELIEF – NEGLIGENCE**

31. Citation adopts and incorporates Paragraphs 1-30 as if fully set forth herein.

32. Citation denies the material allegations asserted in Paragraph 32 of Plaintiff's Verified Petition and demands proof thereof.

33. Citation denies Plaintiff's claim for relief set forth in Paragraph 33 of Plaintiffs' Verified Petition; and demands proof thereof.

34. Citation denies Plaintiff's claim for relief set forth in Paragraph 34 of Plaintiffs' Verified Petition; and demands proof thereof.

35. Citation denies Plaintiff's claim for relief set forth in Paragraph 35 of Plaintiffs' Verified Petition; and demands proof thereof.

36. Citation denies Plaintiff's claim for relief set forth in Paragraph 36 of Plaintiffs' Verified Petition; and demands proof thereof.

**FIFTH CLAIM FOR RELIEF – NEGLIGENCE *PER SE***

37. Citation adopts and incorporates Paragraphs 1-36 as if fully set forth herein.

38. Citation denies Plaintiff's claim for relief set forth in Paragraph 38 of Plaintiffs' Verified Petition; and demands proof thereof.

39. Citation denies Plaintiff's claim for relief set forth in Paragraph 39 of Plaintiffs' Verified Petition; and demands proof thereof.

**SIXTH CLAIM FOR RELIEF – UNJUST ENRICHMENT**

40. Citation adopts and incorporates Paragraphs 1-39 as if fully set forth herein.

41. Citation denies the material allegations asserted in Paragraph 41 of Plaintiff's Verified Petition and demands proof thereof.

42. The allegations and statements of Paragraph 42 of Plaintiffs' Verified Petition are unclear with regard to benefits conferred, and therefore demand proof thereof. Citation denies that it is using the Plaintiffs' Lease as a storage site, and demands proof thereof.

43. Citation denies Plaintiff's claim for relief set forth in Paragraph 43 of Plaintiffs' Verified Petition; and demands proof thereof.

44. Citation denies Plaintiff's claim for relief set forth in Paragraph 44 of Plaintiffs' Verified Petition; and demands proof thereof.

45. Citation denies Plaintiff's claim for relief set forth in Paragraph 45 of Plaintiffs' Verified Petition; and demands proof thereof.

**SEVENTH CLAIM FOR RELIEF – PUNITIVE DAMAGES**

46. Citation adopts and incorporates Paragraphs 1-45 as if fully set forth herein.

47. Citation denies the material allegations asserted in Paragraph 47 of Plaintiff's Verified Petition and demands proof thereof.

48. Citation denies Plaintiff's claim for relief set forth in Paragraph 48 of Plaintiffs' Verified Petition; and demands proof thereof.

### **PRAYER**

26. Citation adopts and incorporates Paragraphs 1-48 as if fully set forth herein.

27. Citation denies the material allegations asserted in the Prayer of Plaintiff's Verified Petition and demands proof thereof.

### **JURY DEMAND**

Plaintiffs' Jury Demand contains no allegations against Citation; and therefore no response by Citation is required.

### **ATTORNEY'S LIEN**

Plaintiffs' Attorneys' Lien contains no allegations against Citation; and therefore no response by Citation is required.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs fail to state a claim against Citation upon which relief can be granted.

2. Plaintiffs' claims are barred by the doctrines of waiver, laches, and *estoppel*.

3. Plaintiffs' claims are barred in whole or in part by assumption of risk.


4. Failure to mitigate damages.

7. Plaintiffs' claims constitute an impermissible collateral attack upon the orders and determinations of the Oklahoma Corporation Commission.

8. Plaintiffs' alleged damages, if any, were caused by intervening or superseding causes outside of Citation's control.

9. Citation reserves the right to amend its Answer as discovery progresses.

**WHEREFORE**, Citation Oil & Gas Corp., prays that the Plaintiff take nothing by reason of its Verified Petition and that this Court enter judgment in favor of Citation; award Citation its attorney's fees and costs; and grant any further relief to which this Court deems it entitled.



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**CERTIFICATE OF SERVICE**

☒ I hereby certify that on the 24<sup>th</sup> day of May, 2021, I filed the above and foregoing document with the Clerk of Court and served the attached document by Email on the following:

Matt Irby  
Tray Gray  
Ryan Gray  
LANDOWNER FIRM, PLLC  
mail@landownerfirm.com  
**Attorneys for Plaintiff**



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F. Thomas Cordell